



GREAT LAKES LEGISLATIVE CAUCUS

Great Lakes News for Legislators

An online newsletter of the Great Lakes Legislative Caucus

Caucus Chair: Michigan Sen. Patricia Birkholz

April 2009

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Fate of new Great Lakes restoration initiative in Congress' hands

President Barack Obama's plan to spend \$475 million in fiscal year 2010 on a new inter-agency initiative that accelerates Great Lakes restoration would mark an unprecedented federal funding commitment to the ecosystem.

But whether this money ultimately gets to the region remains to be seen.

In April, the House and Senate included Obama's proposal in separate budget resolutions that have now been sent to conference committee. The next step in the path toward securing the \$475 million is to get it included in the congressional budget resolution passed by the joint committee.



This resolution, though, will only provide a blueprint for how federal funds are spent. Actual decisions on appropriations will be made later in the year by congressional committees and leaders.

Under the budget unveiled by the Obama administration in February, Great Lakes restoration is one of five "funding highlights" in the [\\$10.5 billion spending plan for the Environmental Protection Agency](#).

Three threats to the Great Lakes are cited by name in the budget plan: invasive species, contaminated sediment and nonpoint source pollution. The president's proposal calls for the EPA to work with states in the region on these and other issues: "This initiative will use outcome-oriented performance goals and measures to target the most significant problems and track progress in addressing them."

If funded, the restoration plan will allow states and the federal government to move ahead with some of the goals laid out in 2005 in the [Great Lakes Regional Collaboration Strategy](#).

Chris Grubb, senior coordinator for Great Lakes restoration at the National Wildlife Federation, says efforts are under way in some states to pass legislative resolutions supporting Obama's Great Lakes plan. In addition, the [Healing Our Waters Coalition](#) has launched a petition drive.

[As a candidate for president](#), Obama said he would provide \$5 billion in new funding to "jump-start" Great Lakes restoration. He also pledged to strengthen federal mercury pollution standards and to appoint a Great Lakes coordinator within the federal government.

If the budget is adopted, [Andy Buchsbaum of the National Wildlife Federation says in this Cleveland Plain Dealer story](#), the \$475 million would be 10 times larger than any single amount provided in the past.

States taking policy lead on invasive species

After years of federal inaction, states are taking it upon themselves to address concerns about the introduction of invasive species from the ballast water of ships.

New permitting programs [approved in Minnesota](#) and proposed in Wisconsin have been receiving significant attention from the media, as well as from Great Lakes advocates and shippers.

Wisconsin Gov. Jim Doyle has included money in his proposed biennial budget money to get a permit program up and running. Details on the ballast water permit, which was opened for public comment in late February, are available [here](#).



The program, according to this [budget document](#), "would be closely aligned with Minnesota's ... in the absence of a federal ballast water program."

However, there are differences in the two states' approaches, [according to a March 23 article in the Milwaukee Journal Sentinel](#). The Wisconsin rules would be implemented more quickly and include tougher ballast water standards. (The standards would be among the toughest in the nation, along with New York's and California's). According to a March 10 article in the Duluth News Tribune (link not available), another difference is whether only ocean-going vessels should be subject to new discharge standards. Minnesota includes "lakers." Wisconsin does not; the state instead calls on commercial vessels that move only among Great Lakes ports to adopt "best management practices" in order to avoid the spread of invasive species.

States are moving ahead with their own regulatory plans in response to the costs and ecological impact associated with invasive species, many of which have been brought to the Great Lakes via the ballast water of ocean-going vessels.

Several questions have been raised about the state-level permit programs, including whether the technology exists (or will exist in a few years) to make adherence to the tougher discharge standards feasible and whether a patchwork of different rules will hurt the shipping industry and/or regional economy.

State officials have said they would welcome a federal solution to the invasive species problem in the Great Lakes. In the absence of one, though, new state legislation and regulations have been proposed.

In 2008, the Minnesota Legislature passed a [bill \(see Sec. 27-30\)](#) calling for the regulation of ballast water; in 2007, Michigan launched a [pioneering permit program](#) based on legislation passed in 2005.

Here are links to ballast water-related bills proposed this year in the region: Illinois ([HB 3954](#) and [HB 3829](#)) and New York ([AB 5438](#), [AB 6035](#) and [SB 2858](#)).

Here are links to other recent newspaper stories on this issue: [March 1 Milwaukee Journal Sentinel](#), [March 16 The Capital Times](#), and [April 7 Green Bay Gazette](#).

Asian carp barrier activated; state, federal bills introduced

One aquatic invader knocking on the door of the Great Lakes ecosystem is the Asian carp.

Released from southern fish farms due to flooding in the early 1990s, and since found in the Illinois River and the Chicago Sanitary and Ship Canal, the carp would pose a serious threat to native species in the Great Lakes because they reproduce rapidly and eat vast amounts of food.

Officials with the Army Corps of Engineers [announced earlier this month](#) that it had activated a permanent electric barrier on the canal to keep out Asian carp and other invasive species. A temporary barrier has been up since 2002.

In announcing activation of the barrier, Vincent Quarles -- Chicago district commander for the Corps -- said the new electric fence should not be considered a "panacea" and that Asian carp still could reach the Great Lakes.

Legislation has been introduced this year at the federal and state levels to address concerns about this aquatic invader.

Under [HR 51](#), introduced by U.S. Rep. Mark Kirk of Illinois, state and federal officials would study ways to eradicate Asian carp from the Great Lakes and their tributaries and connecting waters. One idea that should be explored, Kirk says, is to temporarily harvest Asian carp.

Legislation that passed the Illinois House in March would "establish a one-year pilot program to reduce Asian carp by stimulating its bulk harvest in the Illinois River and by increasing the number of native fish." Here is a link to [HB 872](#).

Great Lakes-related bills making waves in state capitols

The Asian carp bill is one of many measures that the Great Lakes Legislative Caucus monitors through its [state and federal legislative trackers](#). If you have legislation to add to our list, please contact Tim Anderson at tanderson@csg.org or 630/925-1922.

Here is a look at some of the actions taken recently in the Great Lakes states.

* In Illinois, [HB 3828](#), which passed the House in March, would create a new task force that submits an annual report to the legislature on actions that could be taken to protect Great Lakes water quality and supply.

* In Wisconsin, [AB 3](#), signed by the governor on April 14, bans the sale and use of phosphorus in lawn fertilizers (with some exceptions). The goal of the legislation is to prevent excessive phosphorus from reaching surface waters and causing "nuisance algae growth." In New York, legislation has been introduced ([SB 3780](#)) this year to limit the amount of phosphorus in dishwasher detergents and to ban the sale and use of phosphorus fertilizer (with some exceptions).

* Several bills introduced this year in Illinois ([HB 658](#), [HB 4249](#), [SB 178](#) and [SB 1919](#)) reflect concerns about the presence of pharmaceuticals in state waterways, including the Great Lakes. [This press release from the Alliance for the Great Lakes](#) talks about the "drugs in dishwasher" threat as well as the group's testimony on the issue to a Wisconsin legislative committee. Federal legislation ([HR 276](#)) also has been proposed.

* In Ohio, HB 110, introduced in April, would "authorize the director of Natural Resources to issue permits and make leases to take and remove natural gas and oil from under the bed of Lake Erie." The bill's sponsor, Rep. John Adams, says drilling in the lake provides "the perfect opportunity" to reduce the nation's dependence on foreign oil. He also notes drilling has been done on the Canada side of Lake Erie since 1913. [Click here to hear his full statement](#). In 2003, Ohio Gov. Bob Taft signed an executive order temporarily banning drilling in Lake Erie. Since 2005, federal law has banned the issuance of federal or state permits for new directional, slant or offshore drilling in or under the Great Lakes.

New federal law aims to conserve part of Great Lakes coast

As part of the omnibus public lands bill signed by President Obama in late March, 12,000 acres within Michigan's Pictured Rocks National Lakeshore have been designated as federal wilderness.

The designation will preserve majestic land along the south shore of Lake Superior while also ensuring access and recreational opportunities for the public, [Michigan Sens. Carl Levin and Debbie Stabenow say in this joint statement](#).

The Public Land Management Act ([HR 146](#)) also includes several other congressional proposals that involve the Great Lakes. The goal of these proposals is to conserve U.S. coastal areas, better manage these ecosystems, or improve scientists' understanding of them. Our [federal legislative tracker](#) indicates which measures were included in HR 146.

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About the Newsletter and the Great Lakes Legislative Caucus
Great Lakes News for Legislators is an online publication of the Great Lakes Legislative Caucus (GLLC). The GLLC is a nonpartisan group of state and provincial lawmakers from eight states (Illinois, Indiana, Michigan, Minnesota, New York, Pennsylvania, Ohio and Wisconsin) and two provinces (Ontario and Quebec). The goal of the caucus is to facilitate the regional exchange of ideas and information on key Great Lakes issues, strengthen the role of state and provincial legislators in the policymaking process, and promote the restoration and protection of the Great Lakes. All legislators are welcome to participate. Funding for the caucus is provided by the Joyce Foundation. The Council of State Governments provides staffing services for the caucus. More information is available at www.greatlakeslegislators.org.

Contact Info

Tim Anderson ~ 630/925-1922 or tanderson@csg.org
Mike McCabe ~ 630/925-1922 or mmccabe@csg.org